

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Delaware

REDACTED

United States of America

v.

Javier A. Rodriguez

Case No.

22- 98M

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Feb 5, 2022 to March 18, 2022 in the county of New Castle in the
 District of Delaware, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1958

Interstate Murder for Hire

This criminal complaint is based on these facts:

MAR 23 2022

U.S. DISTRICT COURT DISTRICT OF DELAWARE

☒ Continued on the attached sheet.

TFO Mark Hogate

Complainant's signature

TFO Mark Hogate, FBI

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed R. Crim. P.4.1 and 4(d).

Date: 03/23/2022City and state: Wilmington, Delaware

Judge's signature

Mary Pat Hyndge - Chief Magistrate
Printed name and title Judge

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Mark Hogate, a Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI") being duly sworn, state as follows:

1. I am a Delaware State Trooper and have been so employed with the State of Delaware since March 2006.

2. Since January 2017, I have been assigned as a TFO to the FBI's Safe Streets Task Force, which investigates violations of federal drug, firearms, and violent crime offenses. I am responsible for investigations involving unlawful activities to include drug smuggling/trafficking, firearms offenses and violent crimes occurring in the District of Delaware.

3. This affidavit is in support of a criminal complaint against Javier A. RODRIGUEZ charging him with the violation of the federal Interstate Murder for Hire statute, 18 U.S.C. § 1958.

4. The facts set forth in this affidavit are based upon my personal knowledge obtained during my participation in this investigation, review of recordings, knowledge obtained from other individuals including law enforcement personnel, and communications with others who have personal knowledge of the events and circumstances described herein. Because this affidavit is submitted for the limited purpose of establishing probable cause for a complaint, this affidavit does not set forth each and every fact learned by me or other agents during the course of this investigation.

PROBABLE CAUSE

5. In February 2022, an FBI Confidential Source ("CS")¹ was contacted by an individual, later identified as Javier A. RODRIGUEZ, about murdering his ex-wife, [REDACTED] in exchange for \$10,000.

¹ The identity of the CS is being withheld for his/her protection.

6. The CS first met RODRIGUEZ at RODRIGUEZ's place of employment. During the first week of February 2022, RODRIGUEZ contacted the CS, via cellular phone and asked to meet with him/her. The CS met with RODRIGUEZ at a predetermined meet location in Delaware on or about February 5, 2022; the CS got into RODRIGUEZ'S vehicle, a 2009 red Lexus sedan, with RODRIGUEZ.

7. During the ensuing conversation while inside RODRIGUEZ's car, RODRIGUEZ asked the CS to murder his (RODRIGUEZ's) ex-wife, by "blowing her brains out" in exchange for \$10,000.

8. The CS stated that RODRIGUEZ then drove the CS from Delaware to his ex-wife's residence, which is located in [REDACTED] Maryland.² The CS stated that RODRIGUEZ wanted his ex-wife to be murdered at her apartment. RODRIGUEZ then transported the CS to his ex-wife's place of employment, which is also in [REDACTED] Maryland. While at her place of employment, RODRIGUEZ showed the CS the vehicle that his ex-wife drives, which is also a red Lexus sedan.

9. The CS stated that RODRIGUEZ then used his cellular phone to go onto his Facebook account. While on Facebook, RODRIGUEZ brought up his ex-wife's³ picture in order to show the CS what she looked like.

February 15th, 2022 Meeting with the CS

10. On February 15, 2022, the CS met with RODRIGUEZ in a parking lot in Wilmington, Delaware. During the conversation, RODRIGUEZ spoke with the CS about the specifics of the murder that RODRIGUEZ wanted the CS to orchestrate on his behalf. In my training and experience, during the conversation, the CS was expressing some concern about

² Your affiant is aware of the specific address in [REDACTED] Maryland.

³ Your affiant is aware of her identity but is withholding it for her safety.

performing the murder and RODRIGUEZ was trying to reassure the CS so that he did not “chicken out.” RODRIGUEZ also explained to the CS exactly how to perform the murder. The following are excerpts of their conversation, which was audio and video recorded:

CS: Mm, Uh, work, and my schedule dawg, is is rough, na mean? All's I know, the the weekend is the only time I'm free, and then my girl want a lot of that time, you know what I mean? Um.
RODRIGUEZ: What you, you what, you chicken out?
CS: No I ain't chicken out.
RODRIGUEZ: Mm.
CS: I ain't chicken out, but I talk to my folks though I talk to I talk to one of my boys, my my folks and he was like, yo I, I can handle it, but he need more, more dough.
RODRIGUEZ: No man fuck that. Does he think that he is a fucking professional or some type of shit?
CS: He is.
RODRIGUEZ: Yeah but nah, no more dough for that shit, That is that is enough.

[...]

RODRIGUEZ: All you got to do is back it in [referring a car], wait for her to come out, to come out of the house, to get in the fucking car, you got to get her before she get in the car, she get in that car, you know what I mean, you guys have to go fucking crazy on her. You guys gotta catch her as soon as you guys see that door open and she starts walking, you got to open the door and start walking to her and get here right there, done, done, done, done, whatever and fucking bounce.

[...]

RODRIGUEZ: She's gonna come through Delaware and start fucking with me and trying to get in my house and the cops say she going to jail. But I don't want her to go to jail I want her to go fucking under. I'm sick and tired of that bitch.

[...]

CS: I ain't never done no shit like this, this is, this is extremist, you know what I'm saying. I got the ball, I got some balls, but you know some balls, but this is some big balls you know what I mean?
RODRIGUEZ: Not really, you're just popping a bitch, That is all, uh, I mean, I could've done it, but I would be suspect, because I cannot be in two places at the same time.
CS: Right.

11. During the conversation, RODRIGUEZ instructed the CS to let him know how much money the CS and the CS's associate (a fictitious person that the CS told RODRIGUEZ would actually be the one committing the murder) would need in order to accomplish the murder. The CS indicated to RODRIGUEZ that the CS's would speak with the associate and meet with RODRIGUEZ again to discuss. RODRIGUEZ indicated to the CS that it would take him some time to get the money together.

12. Below is a screenshot from the surreptitiously video recorded meeting with RODRIGUEZ.



February 17, 2022 Meeting

13. On February 17, 2022, the CS again met with RODRIGUEZ in a parking lot in Wilmington, Delaware. In my training and experience, during this conversation, the CS informed RODRIGUEZ how much the CS's associate wanted up front to murder RODRIGUEZ's ex-wife.

During the conversation, RODRIGUEZ again detailed specific information about how the CS and the CS's associate should go about murdering his ex-wife. The following are excerpts of their conversation, which was audio and video recorded:

RODRIGUEZ: You told me 3 grand up front
CS: Yeah, I would like the whole 5, if you got 3, he'll [the CS's associate] take the 3.
RODRIGUEZ: This thing got to change up. It cannot be done at her house. It got to be done at her job.
CS: You said there are cameras over there.
RODRIGUEZ: Yeah but the cameras ain't shit. That camera ain't shit. Because over at her house there is a lot of shit going on at her house, social services, the fucking drugs.

[...]

RODRIGUEZ: Anyway its going to have to be done over there, it's the best way. It's the best way, you know why? Because it look like a robbery. Park over there, make sure there ain't any cars parked over there, because the office has a little door and the door is always open, and just cut it up, walk in there "can can" [making gun shot sounds], and walk right the fuck out, get in your car and leave. Because all of the business down there nobody can hear nothing because of the noises. Now at the apartment, outside "can can" [making gun shot sounds] you got to jump in the car and take off, over there you "can can" [making gun shots sounds] you can just walk to your car and leave.

When the CS asked RODRIGUEZ if there would be anyone else with the ex-wife at her place of employment if she was approached there, RODRIGUEZ responded with the following:

RODRIGUEZ: There will be a little Salvadoran guy in there. There's a little Salvadoran guy in there that's 4 foot tall. And that guy ain't gonna say a fucking thing because he don't have papers. If that mother fucker get in the way "can can" too. Fuck it, "can" that mother fucker, put his dick in the dirt.

[...]

RODRIGUEZ: They [referring to the CS's associate] got to make sure that that shit is done, they got to make sure that she is done, you know what I am saying? Because, she's done, done. They got to make sure she is done. Not go over there and start busting caps, and missing and she just get a fucking scratch and she just go to the hospital and she is all good, then she will be on high alert. They got to make sure that this bitch "bang bang," that this bitch is done.

RODRIGUEZ: I'm telling you she's feisty as a motherfucker and if they go over there with a bullshit game, its going to be some bullshit, they going to have to bang her "Bam bam" bang bang [making gun shot sounds], straight the fuck up, hop in the car, hit that mother fucking route 40 and out of there.

14. RODRIGUEZ agreed to get the money together to make a payment to the CS and the CS's associate to commit the murder. He instructed the CS that it would take some time. Between February 17 and March 18, 2022, the CS had multiple recorded telephone calls with RODRIGUEZ on RODRIGUEZ's cell phone during which RODRIGUEZ generally discussed the plan and reaffirmed to the CS that he still wanted to go through with the plan to murder his ex-wife.

15. Below is a screenshot from the surreptitiously video recorded meeting with RODRIGUEZ.



March 18, 2022 Meeting

16. On March 18, 2022 the CS met with RODRIGUEZ in Newark, Delaware. During this meeting, RODRIGUEZ made a \$5,000 cash up front payment to CS for the CS and the CS's associate to commit the murder. Based on my review of the meeting and in my training and experience, the CS also confirmed that RODRIGUEZ truly did want his ex-wife dead, and RODRIGUEZ confirmed that he did. The following are excerpts of the conversation had between the CS and RODRIGUEZ, which was audio and video recorded.

CS: What is this?
RODRIGUEZ: What is this? It's fucking 5 thousand.
CS: Alright, When does she work?
RODRIGUEZ: She work Monday through Friday through Saturday, Sundays she is off.
CS: Sunday she is off.
RODRIGUEZ: Like right now you could of went over there and fucking wrecked the whole fucking deal right now.
CS: Now when I give him this money, it's a go, there ain't no turning back.
RODRIGUEZ: No, it's a go, I don't want this shit back. Mother fucker what? It's a go.
CS: This is serious. I mean I'm saying this shit serious.
RODRIGUEZ: Do you think I just got this fucking money to sacrifice what I'm doing for what, for show? Mother fucker I could of bought a motorcycle right now with this mother fucking money. I got to eliminate this bitch, dog. She got to go. She got to fucking go.

[...]

RODRIGUEZ: This is the thing, Monday through Friday there are two dudes in there with her.
CS: Ok
RODRIGUEZ: It's the owner of the tire shop, and the owner of the tire shop's brother, some little Salvadoran dude in there. I don't give a fuck what he do, I don't give a fuck if he blow them all up, she need to be, she's the main, she needs to go down for real.
CS: We got her, don't worry about that, we just need to know when she works?
RODRIGUEZ: Monday through Saturday, every other Sunday.
CS: Every other Sunday, alright.

RODRIGUEZ: And they going to do this, they got to do this in the morning because she get there before the place open.

CS: Alright

RODRIGUEZ: So they can go right over there, and she be in there doing the scratch off, get right in the fucking window and fucking gun her down and leave.

17. After the meeting, the CS delivered the money received from RODRIGUEZ to your affiant. Your affiant confirmed that it was in fact \$5,000, which was in three stacks of \$100 bills and \$20 bills marked by bank wrappers denoting the amount of currency in each stack.



18. Throughout the course of the investigation, the CS and RODRIGUEZ utilized a communication facility—here a cell phone—to call and text in order to facilitate the murder plot. Your affiant has recorded at least one call between the CS and RODRIGUEZ. On or about March 17, the CS and RODRIGUEZ discussed where and when RODRIGUEZ would transfer the \$5,000 down payment.

CONCLUSION

19. WHEREFORE, based on the foregoing facts, I submit that there is probable cause to believe that Javier A. RODRIGUEZ violated Title 18, United States Code, Sections 1958, by travelling in and causing another to travel in interstate commerce and using a facility of interstate

commerce, with intent that a murder be committed as consideration for the receipt of anything of pecuniary value. Therefore, I respectfully request that the Court issue a criminal complaint charging him with that offense.

TFO Mark Hogate
Task Force Officer Mark Hogate
Federal Bureau of Investigation

Subscribed to and sworn to me via telephone pursuant to Federal Rule of Criminal Procedure 4.1
this 23rd day of March, 2022.

Mary Pat Thyne
The Honorable Mary Pat Thyne
Chief United States Magistrate Judge